

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LAYNE DREXEL,	:	
	:	
Plaintiff,	:	C.A. No. 05-00428 (JJF)
v.	:	Jury Trial Demanded
HARLEYSVILLE INSURANCE CO.,	:	
	:	
Defendant.	:	

PLAINTIFF'S WITNESS AND EXHIBIT LIST

WITNESSES

Plaintiff presently intends to call the witnesses listed below during his case-in-chief¹ and to seek admission of the corresponding exhibits through each witnesses' testimony. Each document listed herein falls outside of the operation of the hearsay rule as an admission under Federal Rule of Evidence 801(d)(2) (designated by "#"), is excepted from the operation of the hearsay rule as a business record under Rule 803(6) (designated by "*"), is excepted from the operation of the hearsay rule as former testimony by Rule 804(b)(1) (designated by "§"), or falls into more than one of the aforementioned categories. Each listed document is relevant to plaintiff's claims because it sets forth the events surrounding Harleysville and George Powell's (Harleysville's agent) conduct surrounding the fire claim at issue and, therefore, is relevant to plaintiff's claims of equitable estoppel, promissory estoppel, and waiver.

Layne Drexel
1910 Old Capital Trail
Newark, Delaware

Exhibit numbers: 1 – 4, 6, 10 – 11, 13, 16, 20 – 22, 41, 43 – 45, 50, and 52.

¹ If necessary, plaintiff reserves the right to seek the admission of all materials for impeachment or rebuttal.

Jerry Booth
G. S. Booth & Assocs., Inc.
333 Robinson Lane
Wilmington, Delaware

Exhibit numbers: 22, 24, 27, 29, 30 – 32, 34 – 36, and 60.

George Powell
Tower Insurance Services
14 West Market Street
Newport, Delaware 19804

Exhibit numbers: 14 – 16, 18, 20, 22, 24, 27 – 37, and 39

Sherri Clodfelter
Lakeview Ridge II
2630 Elm Hill Pike, Suite 100
Nashville, Tennessee

Exhibit numbers: 3 – 4, 6, 11, 13 – 16, 18, 21, 24, 28, 30, 33, 37 – 42, 44 – 51, and 57 – 9.

Danny Riddle²
Lakeview Ridge II
2630 Elm Hill Pike, Suite 100

Exhibit numbers: 14, 17.

Mildred Alderfer
355 Maple Avenue
Harleysville, Pennsylvania

Exhibit numbers: 3 – 4, 6, 11, 13, 21, 56, and 58 – 59.

² By deposition.

EXHIBITS

- 1 May 8, 1997 Lease Agreement between plaintiff and Dhiro Patel (*)
- 2 June 17, 1999 Business Owners Application (*)
- 3 March 14, 2002 Premium Invoice (#, *)
- 4 June 11, 2003 Premium Invoice (#, *)
- 5 March 23, 2004 Request for Survey by defendant.
- 6 March 26, 2004 Premium Invoice (*).
- 7 April 30, 2004 Request for Cancellation/Termination Notice.
- 8 April 30, 2004 Recommendations by Bob Eckert.
- 9 May 17, 2004 email from Brook Beauman to Linda Seville.
- 10 June 3, 2004 letter from S.T. Good Insurance, Inc., with enclosures (*)
- 11 Defendant's March 26, 2004 Premium Invoice (#, *)
- 12 June 3, 2004 email from Brooke Beauman to Linda Seville
- 13 Defendant's June 22, 2004 "Acknowledgement" of Claim (#, *)
- 14 June 23, 2004 Assignment Notification Tower Insurance Services (#, *, §)
- 15 June 24, 2004 First Report & Acknowledgment by Tower Insurance (#, *)
- 16 June 29, 2004 letter from Tower Insurance Services to plaintiff (#, *)
- 17 June 29, 2004 email from Brooke Beauman to Marc Good (#, *, §)
- 18 July 1, 2004 estimate by Tower Insurance Services (#, *)
- 19 July 6, 2004 Confirmation of Termination, with Certificate of Mailing

- 20 July 6, 2004 letter from Tower Insurance Services to plaintiff (#, *)
21 July 15, 2004 letter from defendant to plaintiff (#, *)
22 July 20, 2004 estimate by G. S. Booth & Assocs., Inc. (*)
23 July 23, 2004 Wilmington Fire Department report
24 July 25, 2004 facsimile from Tower Insurance, including attachment (#, *)
25 July 27, 2004 letter from defendant to S. T. Good Insurance, Inc.
26 July 27, 2004 report by Fire Analysis Consulting Group
27 July 29, 2004 facsimile from Tower Insurance (#, *)
28 July 30, 2004 letter from Tower Insurance Services to defendant (#, *)
29 August 1, 2004 letter from Tower Insurance Services to G. S. Booth (#, *)
30 August 9, 2004 estimate by Tower Insurance Services (#, *)
31 August 9, 2004 facsimile from Tower Insurance Services to G. S. Booth (#, *)
32 August 9, 2004 facsimile from G. S. Booth to Tower Insurance (#, *)
33 August 9, 2004 letter from Tower Insurance Services to defendant (#, *)
34 August 13, 2004 facsimile from Tower Insurance to G. S. Booth (#, *)
35 August 13, 2004 facsimile from G. S. Booth to Tower Insurance (#, *)
36 August 13, 2004 facsimile from Tower Insurance to G. S. Booth (#, *)
37 August 13, 2004 Adjustment Invoice by Tower Insurance Services (#, *)
38 August 13, 2004 email from Robert Southard to Cherry Clodfelter (#, *)
39 August 13, 2004 facsimile from Tower Insurance Services to defendant (#, *)
40 August 13, 2004 Statement of Loss (#, *)

- 41 August 13, 2004 letter from defendant to plaintiff, with enclosures (#, *)
42 August 17, 2005 email from Amber Stanton to Sherry Clodfelter (#, *)
43 August 24, 2004 letter from plaintiff to the Insurance Commissioner
44 September 14, 2004 letter from defendant to plaintiff (#, *)
45 September 14, 2004 letter from defendant to plaintiff, with receipt (#, *)
46 Defendant's March 30, 2005 Audit Trail and processing remarks
47 Defendant's March 30, 2005 Adjuster Remarks printout
48 March 30, 2005 email from Vincent Bracco to Sherry Clodfelter
49 March 30, 2005 facsimile from Vincent Bracco to Sherry Clodfelter
50 Commercial Package No. MPA-812988 (including Letter of Certification) (#, *)
51 Defendant's "Direct Bill - Account/Payment Info" (#, *)
52 Personal check from Layne Drexel (*)
53 ISO Properties, Inc. Multi-line Report
54 Defendant's October 25, 2005 Initial Disclosures
55 Defendant's March 17, 2006 Interrogatory and Request for Production Responses
56 Harleysville's Direct Billing Criteria (*)
57 Harleysville's Printed Claim Notes (#, *)
58 Harleysville's Property Claim Manual (May 2005) (*)
59 Harleysville's Best Practices Claims Handling Manual (May 2004) (*)
60 G. S. Booth & Assoc., Inc. Remediation File (*)

SMITH, KATZENSTEIN & FURLOW LLP

/s/ *Robert K. Beste*

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Wilmington, Delaware 19899
(302) 652-8400
(302) 652-8405 (facsimile)

May 23, 2008

Attorneys for plaintiff